

65
%05.11.2007

①

Present : Mr. S.C. Dhanda, Adv. for the petitioner
Mr. Nawal Kishore Jha, Adv. for the respondent nos.1 to 5.

+CM No.15424/2007

Allowed, subject to just exceptions.

W.P.(C) No.8171/2007 & CM No.15423/2007

This writ petition has been filed by the petitioner claiming to be in cultivatory possession of the land measuring 23 bighas 12 biswas in Khasra Nos. 8/1/2(1-16), 10 (4-16), 11(4-16), 9/4/2 (1-16), 5/2 (3-12), 6(4-16), 7/1(2-0) in the revenue estate of village Mandoli, Shahdara, Delhi since 1958-59. It has been contended that the petitioner repeatedly approached the revenue assistant between 1986 till 29th January, 2007 to record the petitioner's cultivatory possession of the subject land. However, despite the mandate of Rule 49 of the Delhi Land Revenue Act and the Delhi Land Revenue Rules, the respondents have failed to record the name of the petitioner in the relevant revenue records.

The writ petition has been filed making a prayer for issuance of an appropriate direction to record the possession of the petitioner in column no.21 of the Khasra Girdawri in respect of the revenue estate of village Mandoli, Shahdara, Delhi.

Contd.....P/2

Signature Not Verified

Certify that the digital file and physical file have been compared and the digital data is as per the physical file and no page is missing.

2

Having regard to the complaint of the petitioner, in my view this writ petition can be disposed of at this stage itself. The respondent cannot avoid performance of the statutory functions and the directions of this court in series of judicial pronouncements. The respondents are statutorily required to inspect the land and to record the possession of the person found in cultivatory possession of the property.

Accordingly, the respondents shall ensure compliance with the statutory provisions of the Delhi Land Revenue Act and the Rules framed thereunder, verify the claim of the petitioner and make the necessary entries in the revenue recording the entry of the person who is found in possession within a period of eight weeks from today.

This writ petition and the application are disposed of in the above terms.

Copy of this order be given dasti to both the parties.

November 05, 2007
aa

Gita Mittal
(GITA MITTAL)
JUDGE

*Disposed of matter
review petition
has been filed.*

44

\$~SB-1

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ R.P.No.146/2008 in W.P.(C) 8171/2007

MUNSAB KHAN

..... Petitioner

Through: None

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondent

Through: Mr. Naushad Ahmed Khan, Adv. for
R-1

CORAM:

HON'BLE MS. JUSTICE GITA MITTAL

ORDER

%

28.08.2015

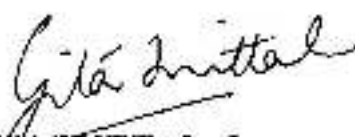
1. None appears for the petitioner when the matter is called out. There was no appearance on several dates prior hitherto. The review petitioner seeks review of the order dated 5th November, 2007 whereby the writ petition was disposed of directing the respondents to ensure compliance with the provisions of the Delhi Land Revenue Act and the Rules to verify the petitioner's claim of cultivator possession of land in the revenue estate of Village Mandoli, Delhi. The review petitioner's contention that the land in question is governed by the provisions of the Punjab Land Revenue Act is premised on the plea that the Punjab Land Revenue Act governs the land in question.

WP(C) 8171/2007

page 1 of 2

2. It is submitted by Mr. Naushad Ahmed Khan that the respondents will ensure that the verification of the petitioner's claim shall be effected under the applicable provisions of law and necessary entries in the revenue record shall be made in accordance with law. The reference with the Delhi Land Revenue Act in the order dated 5th November, 2007 is accordingly directed to be treated as cancelled. The respondents shall ensure compliance with the statutory provisions and rules while verifying the claim of the petitioner and making necessary entries in the record regarding the entries of the person who is found in possession. Such exercise shall be positively completed within a period of three months from today.

This review petition is allowed in the above terms.


GITA MITTAL, J

AUGUST 28, 2015

kr